

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PATRICK KELLETT, et al.,)
Plaintiffs,)
v.)
ACCURATE BACKFLOW SYSTEMS,)
LLC,)
Defendant.)

Case No. 4:10CV1747-SNLJ

JUDGMENT

Plaintiffs filed this action on September 16, 2010 to recover from defendant Accurate Backflow Systems, LLC delinquent contributions, liquidated damages and interest allegedly owed to the plaintiff employee benefit funds pursuant to 29 U.S.C. §§185 and 1132. Plaintiffs also seek to recover Union dues, legal fees and court costs incurred in this action.

Defendant is party to successive collective bargaining agreements with Plumbers and Pipefitters Local 562 which require the payment of contributions to the Plumbers and Pipefitters Pension and Welfare Educational Funds, and dues to Plumbers and Pipefitters Local 562. Defendant has failed to pay fringe benefit contributions for the months of April 2010 through October 2010. Plaintiffs have computed the amount owed in contributions for the above months based on the reports submitted by defendant without payment. These computations reflect that defendant owes \$25,416.08 in delinquent fringe benefit contributions. Plaintiffs also computed the liquidated damages and interest owed by defendant based on the reports submitted without payment. Defendant owes liquidated damages in the amount of \$1,120.00 and interest in the amount of \$1,817.26. In addition, defendant failed to pay Union dues in the amount of \$268.54 for the month of October 2010.

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The collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), require defendant to pay plaintiffs' legal fees and costs. Plaintiffs have incurred legal fees in the amount of \$443.00 and court costs of \$509.50. Based on the evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable.

The total amount owed by defendant to plaintiffs is \$29,574.38.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that plaintiffs shall recover from defendant Accurate Backflow Systems, LLC the total amount of \$29,574.38.

SO ORDERED:



UNITED STATES DISTRICT JUDGE

Date: Tue. 4, 2011